

**For discussion
on 23 February 2000**

EC(1999-2000)38

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

**HEAD 143 - GOVERNMENT SECRETARIAT :
CIVIL SERVICE BUREAU
Subhead 001 Salaries**

Members are invited to recommend to Finance Committee the creation of the following permanent post in the Civil Service Bureau -

1 Senior Principal Executive Officer
(D2) (\$116,650-\$123,850)

PROBLEM

The Secretary for the Civil Service (SCS) needs additional staffing support at the directorate level to implement the proposals of the Civil Service Reform relating to improvements to be made to the disciplinary mechanism in the Civil Service.

PROPOSAL

2. The SCS proposes to create a permanent post of Senior Principal Executive Officer (SPEO) (D2) with effect from 1 April 2000 in the Civil Service Bureau (CSB) to head the new Secretariat on Civil Service Discipline. The secretariat is set up to help process disciplinary cases in the Civil Service under the Public Service (Administration) Order 1997 [PS(A)O].

/JUSTIFICATION

JUSTIFICATION

3. In the context of the Civil Service Reform, the CSB has undertaken a fundamental review of the existing disciplinary mechanism and has identified the following problems in the mechanism -

- (a) the existing disciplinary procedures are cumbersome and time-consuming;
- (b) disciplinary cases are processed by officers in departments and in CSB as part of their human resource management duties. They are not fully dedicated to disciplinary matters and have varying levels of experience handling these matters; and
- (c) disciplinary hearings are conducted by officers appointed on an ad hoc basis. They are deployed from departments to conduct the hearings in addition to their normal duties, and may not have adequate experience in handling disciplinary matters.

The problems identified above have resulted in some delays in taking appropriate actions against officers subject to disciplinary action, and possible inconsistency in the standards of investigations, hearings and the punishment imposed.

4. CSB proposes to set up a new disciplinary secretariat (to be titled the Secretariat on Civil Service Discipline) comprising dedicated officers with experience and expertise in handling disciplinary matters. The secretariat will, on behalf of the disciplinary authority (i.e. Chief Executive, SCS or Heads of Department, as appropriate), centrally process all disciplinary cases in the Civil Service under the PS(A)O. CSB also proposes to form a dedicated pool comprising officers of various ranks, grades and disciplines with knowledge and experience in disciplinary proceedings to serve as inquiry officers, or chairmen and members of inquiry committees to conduct disciplinary hearings. CSB has consulted departmental management and the staff sides through a Working Group on Discipline set up under the Civil Service Reform. Feedback received indicates that there is general support for the proposed administrative framework.

5. Specifically, the Secretariat on Civil Service Discipline will be responsible for performing the following roles and functions -

- (a) advising departments at the preliminary investigation stage on matters such as collation of evidence of alleged misconduct, seeking legal advice if necessary;

/(b)

- (b) providing a 'designated officer' to present evidence and call witness at disciplinary hearings;
- (c) providing logistical support to the inquiry officers/committees at disciplinary hearings and seeking legal advice if necessary;
- (d) acting as a resource centre on precedent disciplinary cases for consideration by the disciplinary authority on punishments to be imposed;
- (e) maintaining a pool of officers to serve as inquiry officers, or chairmen and members of inquiry committees at disciplinary hearings, and arranging appropriate training and briefings for these officers; and
- (f) liaising with departments and disciplinary authority on all matters relating to the standards, procedures and practices of disciplinary action.

The disciplinary secretariat, together with the dedicated pool of officers set up for disciplinary hearings, will ensure that disciplinary cases will be processed promptly and efficiently, with more consistency in the standard of action and punishment.

6. In addition, the Secretariat on Civil Service Discipline will visit departments to establish channels of communication with senior departmental management. The secretariat will seek their continued support for a high standard of discipline. With the experience gathered from processing disciplinary cases, the secretariat will help departments identify areas where misconduct may occur and find ways to improve their staff management systems.

7. It is estimated that the Secretariat on Civil Service Discipline will be required to process an average of about 200 cases of formal disciplinary action a year, more than half of which would require disciplinary hearings. As departments become more familiar with the work of the secretariat, it is likely that the number of cases to be processed will increase. Also, the secretariat will provide advice to departments in the investigation and processing of about 1 000 lesser misconduct cases a year. These cases may lead to formal or informal disciplinary action.

8. Having regard to the responsibilities and the estimated workload of the new Secretariat on Civil Service Discipline, it is considered that the secretariat

/should

should be headed by a SPEO and supported by a group of general grades officers who are experienced in handling disciplinary matters in the Civil Service. Initially, the SPEO will be responsible for setting up the disciplinary secretariat including equipping the new office for hearings and other disciplinary proceedings. He will take part in a review of the disciplinary provisions in the PS(A)O and the Public Service (Disciplinary) Regulation made under the Order. He will review the disciplinary procedures taking into account prevailing circumstances and the trend of civil service discipline, and develop guidelines and manuals for the conduct of disciplinary actions at various stages, such as preliminary investigations, collation of evidence, formulation of disciplinary charges, arranging disciplinary hearings, etc. As head of the secretariat, the SPEO will be responsible for the overall direction and management of the secretariat, and will oversee its operations to ensure that the secretariat is effectively performing its roles and functions as described in paragraph 5 above. He will arrange suitable training and briefing for secretariat staff and officers appointed to conduct disciplinary hearings, devise internal administrative and operational guidelines for case processing, and set up various databases to ensure consistency in punishment. Apart from processing the disciplinary cases quickly and efficiently, he will ensure that the cases are handled in compliance with the principles of natural justice.

9. The Secretariat on Civil Service Discipline will be an independent set up but administratively will be part of the CSB under the schedule of a Deputy Secretary for the Civil Service (i.e. Deputy Secretary (Civil Service)3). The Deputy Secretary is currently overseeing three policy divisions and a Task Force on the Civil Service Integrity Programme. The heads of the policy divisions at Administrative Officer Staff Grade C (D2) level are already heavily engaged in policy and administrative matters relating to staff relations, human resource management, training, trading funds, and conduct and discipline. In addition, these divisions are also responsible for staff matters in 37 departments. The Task Force is headed by a Principal Executive Officer (D1). The post has been created on a supernumerary basis to implement a service-wide Integrity Programme. The Task Force is working closely with the Independent Commission Against Corruption and government departments to review departmental guidelines on avoidance of conflict of interest in the discharge of official duties and to provide advice and support in integrity training in departments. The policy divisions and the Task Force, in view of their current workload, are unable to take up the duties and responsibilities of the disciplinary secretariat.

10. The proposed duty list of the SPEO, the organisation chart of the Secretariat on Civil Service Discipline and its relationship with other divisions in CSB, are shown at Enclosures 1, 2 and 3 respectively.

Encls.1-3

11. Having regard to the duties and responsibilities of the secretariat, and the extensive experience and ability required of the head of the secretariat in handling staff management issues, it is considered that the post should be ranked at SPEO (D2) level. The proposed ranking has the support of the Director of General Grades.

FINANCIAL IMPLICATIONS

12. The annual salary cost of the proposal at MID-POINT is -

	\$	No. of Post
New permanent post	1,443,000	1

The full annual average staff cost of the proposal, including salary and on-cost, is \$2,461,000.

13. We have critically examined the staffing requirement of the secretariat and considered that, to ensure it will function effectively, the secretariat should be supported by ten non-directorate Executive Grade officers (two Chief Executive Officers, four Senior Executive Officers and four Executive Officers I) for processing all disciplinary cases. The secretariat will also have eight general grades officers (three secretarial, four clerical staff and one Office Assistant) who will provide the necessary secretarial and clerical support to the secretariat. They will also provide the logistical and secretarial support to the inquiry officers/committees when hearings are conducted.

14. The total notional annual mid-point salary cost and the full annual average staff cost of these 18 non-directorate posts are \$8,623,320 and \$13,267,000 respectively. The creation of the posts will be considered separately under the normal departmental establishment committee machinery.

15. The additional cost of the proposal will be met by redeployment of savings from General Expenses of the Civil Service and existing resources in the reserve in CSB, and in departments now engaged in the processing of disciplinary cases. We have included sufficient provision in the 2000-01 draft Estimates to meet the cost of the proposal.

/BACKGROUND

BACKGROUND INFORMATION

16. With the approach of the 21st Century and a rapidly changing external environment, Hong Kong is undergoing major changes politically, economically and socially. To meet the changes ahead, it is essential that the Hong Kong Civil Service should keep pace with the expectations of the community which it serves, improves itself and enhances its efficiency. On 14 January 1999, the Chief Executive announced an overall review and reform of the Hong Kong Civil Service management system with a view to achieving greater openness and enhanced efficiency in the system. In March 1999, the Civil Service Bureau published a consultation paper, setting out the scope of the Reform which covers several major policy areas in staff management, including the review of the disciplinary mechanism in the Civil Service.

17. The authority for and conduct of disciplinary proceedings in the Civil Service is governed by the Public Service (Administration) Order 1997 and the Public Service (Disciplinary) Regulation. The review and reform of the disciplinary mechanism aims to streamline the disciplinary procedures, and put in place an efficient and effective disciplinary mechanism in the Civil Service to punish misconduct and to maintain deterrent effect, while complying with the principles of natural justice.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

18. The Standing Committee on Directorate Salaries and Conditions of Service has advised the grading proposed for the post would be appropriate if the post were to be created.

**Job Description of the Proposed Post of
Senior Principal Executive Officer (Disciplinary Secretariat)**

Post Title : Senior Principal Executive Officer (Disciplinary Secretariat)

Rank : Senior Principal Executive Officer (D2)

Responsible to : Deputy Secretary (Civil Service)3

Main duties and responsibilities :

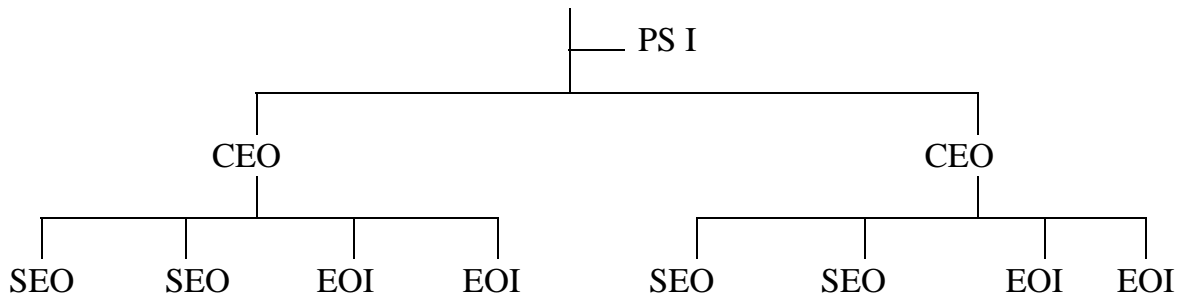
As head of the Secretariat on Civil Service Discipline, the SPEO shall be responsible for -

1. overseeing the operation of the secretariat in processing civil service disciplinary cases under the Public Service (Administration) Order 1997;
2. reviewing the disciplinary mechanism and procedures in the civil service, ensuring the system is efficient and up-to-date;
3. developing guidelines and manuals for conducting disciplinary actions, including preliminary investigation, collation of evidence of alleged misconduct, informal disciplinary action, etc.;
4. setting up and maintaining a pool of officers to serve as inquiry officers or chairmen and members of inquiry committees at disciplinary hearings;
5. setting up a resource centre on the standard of punishment and precedent disciplinary cases in civil service;
6. providing training to secretariat staff and inquiry officers in disciplinary proceedings and regulations; and
7. liaison with departments and disciplinary authority on matters relating to the standards, procedures and practices in disciplinary actions, and assisting departments in improving their staff management systems and procedures.

**Proposed Organisation Chart of
the Secretariat on Civil Service Discipline**

SPEO

- Head, Secretariat on Civil Service Discipline



- Advisory
advising departments on investigation and courses of actions
- Case processing
drafting charges, seeking legal advice, liaison with the disciplinary authority, consultation with Public Service Commission on punishment
- Disciplinary hearing
presenting evidence, providing logistical support
- Research and statistics
maintaining database on precedent cases, developing punishment yardsticks

- Advisory
advising departments on investigation and courses of actions
- Case processing
drafting charges, seeking legal advice, liaison with the disciplinary authority, consultation with Public Service Commission on punishment
- Disciplinary hearing
presenting evidence, providing logistical support
- Training and development
arranging training/briefings for staff and inquiry officers
- Administration
providing administration support to the secretariat, maintaining a pool of officers for conducting disciplinary hearings.

General Registry

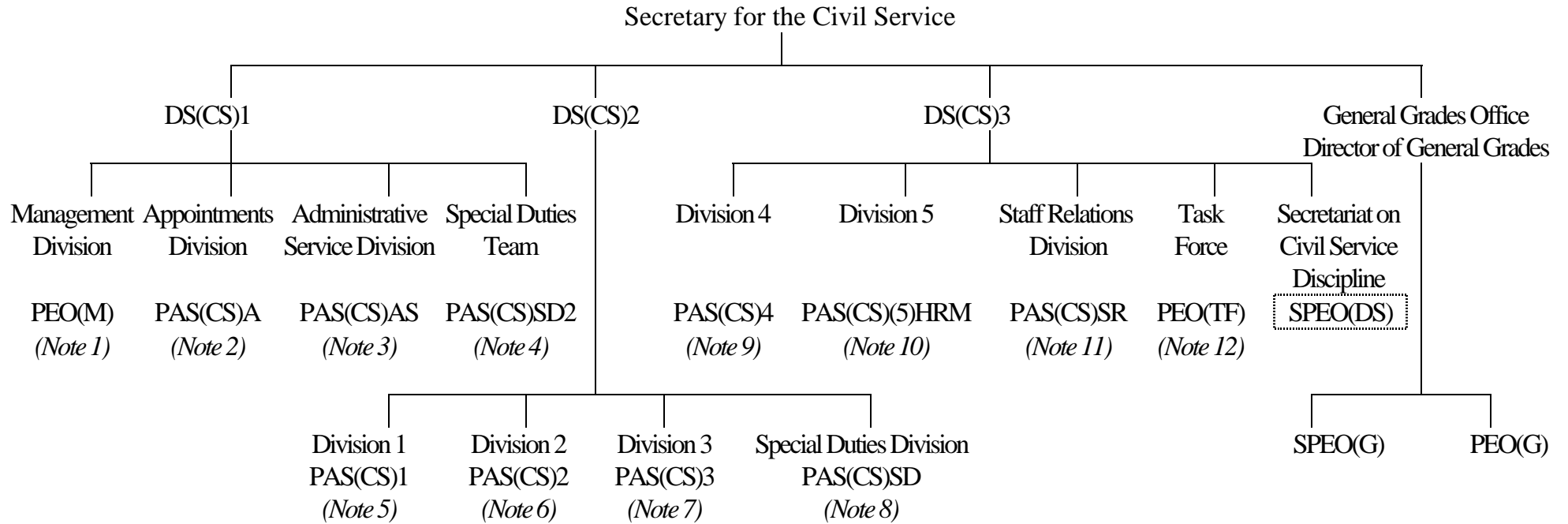
2 COs, 2 ACOs, 1 OA and 2 PS IIs

Legend:

SPEO - Senior Principal Executive Officer
CEO - Chief Executive Officer
SEO - Senior Executive Officer
EOI - Executive Officer I
PS I - Personal Secretary I

CO - Clerical Officer
ACO - Assistant Clerical Officer
OA - Office Assistant
PS II - Personal Secretary II

Organisation Chart of Civil Service Bureau



- The permanent post proposed for creation
- DS Deputy Secretary
- PAS Principal Assistant Secretary
- SPEO Senior Principal Executive Officer
- PEO Principal Executive Officer

/Footnote

Footnote

- Note 1* Management Division is the subject division responsible for general administration and resource management.
- Note 2* Appointments Division is the subject division responsible mainly for policies on appointments, qualification assessment and examinations, common terms, pensions, retirement and post-retirement employment.
- Note 3* Administrative Service Division is responsible for the management of Administrative Officer Grade.
- Note 4* Special Duties Team is responsible for the study of Civil Service Provident Fund and implementation of the Mandatory Provident Fund system for government employees subject to the system. The proposal on the creation of a supernumerary Administrative Officer Staff Grade C post to head the Team will also be considered by Members at the same meeting under EC(1999-2000)39.
- Note 5* Division 1 is the subject division mainly for policies on housing and quartering. It also provides Bureau advice to 11 departments.
- Note 6* Division 2 is the subject division for policies on leave and passage, and travelling expenses. It also provides Bureau advice to 16 departments.
- Note 7* Division 3 is the subject division mainly for policies on education/job-related allowances, medical & dental benefits, conditions of service. It also provides Bureau advice to 25 departments.
- Note 8* Special Duties Division is the subject division for the review of the Civil Service Starting Salaries and the study and implementation of a performance-based pay system and its accompanying performance appraisal system in the civil service.
- Note 9* Division 4 is the subject division mainly for policies on conduct and discipline and industrial actions. It also provides Bureau advice to 16 departments.
- Note 10* Division 5 is the subject division mainly for policies on Human Resource Management, training, privatisation/corporatisation and trading funds. It also provides Bureau advice to 21 departments.
- Note 11* Staff Relations Division looks after mainly matters on staff relations and welfare, the central consultative councils and departmental consultative committees.
- Note 12* Task Force is the team to implement the CSB/ICAC Civil Service Integrity Programme in reviewing central guidelines on conduct and discipline and assisting departments in drawing up supplementary guidelines on avoidance of conflict of interest situations specific to departmental operations.